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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

# List of issues prior to submission of the sixth periodic report of Latvia*

The Committee against Torture, at its thirty-eighth session (A/62/44, paras. 23 and 24), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

## Specific information on the implementation of articles 1-16 of the Convention, including with regard to the Committee's previous recommendations

### Article 1

1. With reference to the Committee's previous concluding observations (CAT/C/LVA/3-5 and Corr.1, para. 7),[1] please provide information on any amendments to legislation that would include a definition of torture which covers all the elements contained in article 1 of the Convention, including the inflicting of torture on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

* Adopted by the Committee at its fifty-sixth session (9 November-9 December 2015).

[1] Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

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**Articles 2[2] and 4**

2. With reference to the Committee's previous concluding observations (para. 8), please provide updated information on:

(a) Any amendments to legislation that include torture as a specific offence in criminal law, with appropriate penalties for acts of torture that take into account their grave nature, as set out in article 4 (2) of the Convention;

(b) Any measures taken to ensure that the prohibition of torture is absolute and that there is no statute of limitations for acts of torture, so that acts of torture and attempts to commit torture and acts by persons that constitute complicity or participation in torture can be investigated, prosecuted and punished without time limitations.

**Article 2**

3. With reference to the Committee's previous concluding observations (para. 9) and in the light of the information received from the State party on follow-up to the concluding observations,[3] please provide information on:

(a) Whether persons deprived of their liberty are informed about the reasons for their arrest and detention from the very outset of their deprivation of liberty and not only about their rights as detainees;[4]

(b) Whether persons deprived of their liberty have access to a lawyer from the very outset of their deprivation of liberty and not at the time of their delivery to a police short-term detention centre;[5]

(c) Reasons for denying defendants the right to contact a lawyer of their choice and reasons for numerous reports of complaints about the infringement of the right to defence;[6]

(d) Whether sworn advocates providing State-ensured legal aid are professional lawyers commissioned by the Latvian Council of Sworn Attorneys[7] and how this differs from other persons who may be admitted as sworn advocates and contracted under the State-Ensured Legal Aid Law, such as assistants to sworn advocates,[8] sworn notaries, sworn bailiffs, natural persons or associations or foundations;[9]

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[2] The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

[3] CAT/C/LVA/CO/3-5/Add.1.

[4] Ibid., para. 3.

[5] Ibid., paras. 5 and 6.

[6] Ibid., para. 28.

[7] Ibid., para. 6.

[8] Ibid., para. 26.

[9] Ibid., para. 5, footnote 3.

(e) Any steps taken to increase the number of lawyers providing State-ensured legal aid,[10] the status of implementation of regulation No. 1493 and progress made with regard to the two-year transition period that began on 1 January 2014;[11]

(f) Whether steps have been taken to ensure that health-care services available to detained persons free of charge include non-emergency dental care.[12]

4. With reference to the Committee's previous concluding observations (para. 10), please provide information on:

(a) Any legislative measures taken to reduce the duration of pretrial detention to the minimum permissible limit under the law, including the adoption of alternative measures to incarceration, detailing the alternative measures and their application;

(b) Any legislative measures and progress made in ensuring that there is no pretrial detention in small police stations and ensuring that persons remanded in custody are always promptly transferred to a prison and are not returned to police stations, whether for logistical difficulties, the conduct of further investigations or court proceedings;

(c) Any amendments made to national law introducing rules concerning time limits in days or hours during which persons may be kept in small police stations, including the abolition of detention of persons sentenced for administrative offences, and any decrease in the number of administrative detainees;

(d) The status of the draft legislative amendments seeking to introduce criminal responsibility for certain administrative offences.

5. With reference to the Committee's previous concluding observations (para. 11), please provide an update on:

(a) Progress made regarding the reform of the judicial system, including with a view to enhancing the speed and efficiency of judicial proceedings;

(b) Any measures taken to improve the regime of appointment, promotion and the procedural safeguards for the dismissal of judges in line with international standards and to strengthen the judiciary in the performance of its functions.

6. With reference to the Committee's previous concluding observations (para. 12), please provide updated information on:

(a) Progress in establishing an effective and independent mechanism to investigate complaints and allegations concerning physical violence and ill-treatment by police officers, with no institutional or hierarchical connection between the investigators and the alleged perpetrators, which is reportedly the case when such complaints and allegations are examined by the Internal Security Office of the State Police;

(b) Measures taken to ensure that all reports of ill-treatment and excessive use of force by law enforcement personnel are investigated promptly, effectively and impartially, at both the disciplinary and criminal level, that persons who are found guilty of such acts are punished in accordance with their gravity and that the victims are afforded appropriate redress;

(c) Progress in ensuring that persons suspected of having committed acts of torture or ill-treatment are immediately suspended from their duties and remain suspended throughout the duration of the investigation;

[10] Ibid., para. 28.
[11] Ibid., para. 26.
[12] Ibid., paras. 12 and 17.

(d) Any training provided to law enforcement officials on the absolute prohibition of torture and ill-treatment; on professional techniques and international standards on the use of force and firearms in order to minimize the risk of harm to apprehended persons; and on the liabilities in cases of excessive use of force.

7. With reference to the Committee's previous concluding observations (para. 13), please provide updated information on any progress made in establishing a national institution for the promotion and protection of human rights that fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

8. With reference to the Committee's previous concluding observations (para. 14), please provide updated information on:

(a) Any progress made regarding the adoption of comprehensive legislation on violence against women that would establish domestic violence and marital rape as a distinct crime and a specific offence in criminal law;

(b) Measures taken to ensure that all reports of domestic violence, including sexual violence and violence against children, are registered by the police, that all such incidences of violence are promptly, impartially and effectively investigated, perpetrators prosecuted and, if found guilty, punished in accordance with the gravity of their acts;

(c) Steps taken to sensitize and provide training to law enforcement personnel in investigating and prosecuting cases of domestic violence;

(d) Progress made in ensuring protection for victims of domestic, including sexual, violence, such as the issuance of restraining orders for perpetrators, access to medical and legal services, psychosocial counselling and redress;

(e) Any increase in direct State support for the running of safe and adequately funded shelters, specifically for abused women (other than those run by non-governmental organizations), and in providing legal support and psychosocial and rehabilitation services;

(f) Any steps taken to establish an effective and independent complaints mechanism for victims of domestic, including sexual, violence, as well as violence based on sexual orientation and gender identity.

9. With reference to the Committee's previous concluding observations (para. 15), please provide updated information on:

(a) Measures taken to prevent human trafficking for purposes of sexual and labour exploitation through the enforcement of anti-trafficking legislation, the implementation of the State programme for the prevention of human trafficking, international cooperation and any actions against marriages of convenience that may result in human trafficking;

(b) Measures taken to investigate trafficking in persons and related practices and to prosecute and punish those responsible, including the collection of disaggregated data on the number of complaints, investigations, prosecutions and sentences handed down for acts of trafficking; as well as on the difficulties experienced in preventing such acts;

(c) Measures taken to increase the protection of victims of trafficking and to provide redress, including legal, medical and psychological aid and rehabilitation, as well as adequate shelters and assistance in reporting incidents of trafficking to the police;

(d) Any specialized training provided to the police, prosecutors and judges, migration officers and border police on the effective prevention and investigation of acts of trafficking and the prosecution and punishment of those responsible;

(e) Any nationwide awareness-raising campaigns about the criminal nature of human trafficking, including on those conducted through the media.

10. Please provide information on any consideration given to further amending the Citizenship Law with a view to automatically granting citizenship to children born on the territory of the State party to resident parents who are not citizens of Latvia and who would otherwise become stateless.

**Article 3**

11. With reference to the Committee's previous concluding observations (para. 17), please provide information on:

(a) Measures taken to ensure compliance with article 3 of the Convention by refraining from expelling, returning (*refouler*) or extraditing persons to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture;

(b) Steps to ensure that all persons seeking asylum in the State party, including at its border-crossing points, enjoy all procedural safeguards, including information about the asylum procedure, registration as asylum seekers, access to legal assistance, interpretation into a language that they can reasonably understand, access to State-provided health-care services and the right of appeal against negative decisions;

(c) Steps taken to ensure that decisions concerning asylum, including under the accelerated procedure, can be appealed and have a suspensive effect in order to avoid the risk of *refoulement*, as well as on any efforts made to proactively identify persons in need of international protection;

(d) Measures taken to revise policy, including to ensure that the detention of asylum seekers is not arbitrary and is a measure of last resort, for as short a period as possible; information on the use of alternatives to detention pursuant to the amendments to the Asylum Law made in October 2013; and information on any steps taken to refrain from detaining minors, nursing mothers, women in later stages of pregnancy and survivors of torture and ill-treatment and other persons with specific needs.

**Articles 5, 7 and 8**

12. Please provide information on whether the State party has rejected, for any reason, the request of a State for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings.

**Article 10**

13. With reference to the Committee's previous concluding observations (para. 18), please provide updated information on:

(a) The development of any specific methodologies to evaluate the effectiveness and impact of the training and educational programmes on the absolute prohibition of torture and ill-treatment provided to law enforcement, prison staff, border guards, medical personnel, judges and prosecutors;

(b) Steps taken to ensure that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is an essential part of the training for all medical professionals and other public officials involved in work with persons deprived of their liberty and asylum seekers.

**Articles 11-13**

14. With reference to the Committee's previous concluding observations (para. 19) and in the light of the information received from the State party on follow-up to the concluding observations,[13] please provide updated information on:

(a) Progress achieved in the implementation of the concept on the development of the infrastructure for places of detention, adopted on 12 February 2013,[14] in the scheduled renovation of places of detention and the building of a new ones, including the drug addiction centre; the establishment of the new section at the Olaine Prison Hospital; and whether the financing and the number of departments that existed at the Olaine Prison Hospital prior to 2010 have been restored;

(b) Progress achieved in the implementation of the amended Sentence Execution Code, complying with the decision of the Ministry of Justice that the minimum living space per inmate in multi-occupancy cells may not be less than 4 $m^2$;[15] and the status of the five-year strategy paper to be prepared by the Prison Administration Task Force, staffed by Ministry of Justice personnel, established in September 2013;

(c) Specific measures taken to improve the material conditions in places of deprivation of liberty in order to bring them into line with international standards regarding infrastructure, hygiene, sanitation, heating, living space and regime of activities, including at least one hour of outdoor exercise in sufficiently large areas and contact among detainees and frequency of open outside visits, in particular as concerns remand prisoners at the Riga Central Prison and those serving life sentences in Jelgava Prison, and whether such improvements are proceeding on schedule; and progress in the construction of a new prison in the Riga area;

(d) Any consideration given to improving the regime for prisoners serving life sentences,[16] in particular those on the low-regime level; and on instituting a process for integrating life-sentenced prisoners into the general prison population;

(e) Specific measures taken to improve the material conditions in all police detention facilities, including those whose construction began in January 2015 and those financed by the Norwegian grant programme,[17] in terms of access to natural light, sufficient artificial lighting, ventilation, water supply, hygiene, sanitary facilities and a functioning call system, and whether such improvements are proceeding on schedule, especially at the Dobele, Jelgava and Saldus police stations;

(f) Progress made in the improvement of the living conditions and technical inventory in places of deprivation of liberty for juveniles, and in the implementation of the motivational and rehabilitation courses and the legal framework strengthening the possibility for juveniles to maintain contacts with their parents or guardians;[18]

(g) Any progress made in improving the quality of health-care services provided to inmates, including through greater participation of the Ministry of Health; recording injuries during medical examinations and reporting them to the competent authorities; ensuring prompt transfers to external medical institutions for outpatient

[13] CAT/C/LVA/CO/3-5/Add.1.
[14] Ibid., para. 30.
[15] Ibid., para. 35.
[16] Ibid., paras. 47-49.
[17] Ibid., para. 41.
[18] Ibid., para. 43.

treatment; increasing prison staffing levels and improving conditions of service; and abolishing the practice of employing prisoners as nursing assistants; and any consideration given to providing medical, dental and psychological health care and medication free of charge;

(h) Specific steps taken to establish impartial and independent mechanisms to monitor places of deprivation of liberty that would deal with the complaints of inmates about their conditions of detention and provide effective follow-up to such complaints; and the results of the 45 complaints, mostly about conditions of detention, received by the Ombudsman[19] in 2014 and the 48 complaints received by the Ministry of Justice.

15. With reference to the Committee's previous concluding observations (para. 20), please provide information on:

(a) Specific steps taken to reduce inter-prisoner violence and strengthen the monitoring and management of vulnerable prisoners and those at risk;

(b) Steps taken to enhance the training of prison staff and medical personnel to detect signs of vulnerability and improve communication with and the management of inmates; as well as on progress made in increasing staffing levels;

(c) Steps taken to strengthen the effectiveness of the complaints mechanism for reporting cases of violence and other abuses in places of detention;

(d) Steps taken to enhance the financial and staffing capacity of the Ombudsman and other independent mechanisms that would enable them to visit regularly all places of detention;

(e) Steps taken to investigate promptly, thoroughly and impartially all deaths in custody, including the four suicides in prisons between January and November 2014 and the results of such investigation, as well as all cases of inter-prisoner violence, and to prosecute and punish those found guilty with appropriate penalties and provide redress to victims or their relatives.

**Articles 11 and 16**

16. With reference to the Committee's previous concluding observations (para. 21) and in the light of the information received from the State party on follow-up to the concluding observations,[20] please provide updated information on:

(a) The implementation and possible review of the amendment to the Law on the Execution of Sentences, which entered into force on 1 April 2013; and the functioning of the individual risk assessment commissions in the Daugavgrivas and Jelgava prisons since August 2013[21] with regard to prisoners serving life sentences; whether prison doctors have been removed from the risk assessment commissions; and whether this has led to a reduction in the routine use of restraints within the prison perimeter;

(b) Whether permanent closed circuit television surveillance inside prison cells of all life-sentenced prisoners at Daugavgrivas prison continues and, if so, whether it is subject to review; and whether toilets in the cells for life-sentenced prisoners have been fully partitioned from floor to ceiling;

[19] Ibid., para. 52.
[20] Ibid.
[21] Ibid., paras. 54 and 55.

(c) Whether the training of prison officials since 2013 by the Educational Centre of the Prisons Administration regarding the use of special restraints and special fighting techniques, including the course entitled "Regulation of the use of special means within the places of detention" has resulted in the reduction of handcuffing of prisoners serving life sentences;[22]

(d) Any cases in which the Ombudsman has found violations of the procedure for the use of handcuffing and the results of the submission of an application by the Ombudsman to administrative courts in such cases.[23]

**Article 14**

17. With reference to the Committee's previous concluding observations (para. 22), please provide specific information on:

(a) Any amendments to legislation introducing explicit provisions on the right of victims of torture and ill-treatment to redress, including fair and adequate compensation and rehabilitation, in accordance with article 14 of the Convention, regardless of whether perpetrators of such acts have been brought to justice;

(b) Whether specific rehabilitation services have been established and whether the necessary resources have been allocated for the effective implementation of rehabilitation; and the kind of rehabilitation programmes provided to victims and whether they include medical and psychological assistance;

(c) With reference to paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties, please provide information on redress and compensation measures ordered by the courts since the consideration of the State party's previous periodic report. That should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case.

**Article 16**

18. With reference to the Committee's previous concluding observations (para. 23), please provide specific information on:

(a) Compliance with the recommendation of the Ombudsman that effective legal safeguards be ensured for all persons with mental and psychosocial disabilities regarding the keeping of records; the patients' consent to hospitalization; and independent monitoring by judicial organs of any involuntary hospitalization in psychiatric institutions, including the right of effective appeal; and how it is ensured that patients in psychiatric institutions are fully informed about the determination of their psychiatric medical treatment and are given the opportunity to refuse treatment or any other medical intervention;

(b) Progress in the establishment of an independent complaints mechanism for persons with mental and psychosocial disabilities; the prompt, effective and impartial investigation of complaints of ill-treatment in psychiatric institutions; the bringing of those responsible to justice; and the provision of redress to victims;

(c) Specific measures to ensure adequate social conditions for disadvantaged or low-income patients in psychoneurological medical institutions who are allowed to leave to enable them to find work, a means of subsistence and living space.

[22] Ibid., paras. 56 and 57.
[23] Ibid., para. 59.

**Data collection**

19. Please provide statistical data on complaints, investigations, prosecutions and convictions of persons found guilty of acts of torture or ill-treatment, in particular in police custody, trafficking in human beings and domestic and sexual violence, disaggregated by age, sex, ethnicity and type of crime, as well as on the avenues for redress, including compensation and rehabilitation, available to victims.

**Other issues**

20. Please provide updated information on the measures taken by the State party to respond to threats of terrorism, and describe if and how those anti-terrorism measures have affected human rights safeguards in law and in practice. Please explain how the State party has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please provide information on the relevant training given to law enforcement officers; the number of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorism measures in law and in practice; whether there have been complaints of non-observance of international standards; and the outcome of those complaints.

**General information on other measures and developments relating to the implementation of the Convention in the State party**

21. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and statistical data. Please also provide any other information that the State party considers relevant.